

EXHIBIT 5

**IN THE TWENTY-FIRST JUDICIAL CIRCUIT COURT
ST. LOUIS COUNTY, MISSOURI**

TAMIA BANKS, et al.,

Plaintiffs,

v.

COTTER CORPORATION (N.S.L.), et al.,

Defendants.

Case No. 18SL-CC00617-02
Division No. 17

COTTER CORPORATION (N.S.L.),

Third-Party Plaintiff,

v.

MALLINCKRODT LLC, EVERZINC USA
INC., BRIDGETON LANDFILL, LLC,
REPUBLIC SERVICES, INC., ALLIED
SERVICES, LLC, WESTLAKE LANDFILL,
INC., and ROCK ROAD INDUSTRIES, INC.,

Third-Party Defendants.

**DEFENDANT COMMONWEALTH EDISON COMPANY'S
RESPONSES PURSUANT TO THE ORDER OF OCTOBER 12, 2021**

Defendant Commonwealth Edison Company ("ComEd") provides the following responses pursuant to the Order of October 12, 2021, without waiver of jurisdictional or other defenses. ComEd incorporates its previously served objections to preserve the record and avoid arguments of waiver in ComEd's Objection to Court Order of October 12, 2021; Combined Opposition to Plaintiffs' Motion to Compel Discovery, Motion for Protective Order, and Suggestions in Support; Responses to Plaintiffs' Second Set of Interrogatories; Responses to Plaintiffs' Second Set of Requests for Production; Responses to Plaintiffs' First Set of

Interrogatories; and Responses to Plaintiffs' First Set of Requests for Production. ComEd reserves the right to supplement or amend these responses as may be appropriate in the future under Rule 56.01(e).

SPECIFIC REQUESTS AND RESPONSES

1. Commonwealth Edison to produce the names of its board of directors from the period 1973 through 1977.

RESPONSE:

Without waiving its objections, ComEd responds as follows:

1973: Norris Aldeen, Thomas G. Ayers, John A. Barr, Gordon R. Corey, Albert B. Dick III, George E. Johnson, Brooks McCormick, Morgan Murphy, William Wood Prince, Edward Byron Smith, J. Harris Ward, and Joseph S. Wright.

1974: Norris Aldeen, Thomas G. Ayers, John A. Barr, Gordon R. Corey, Albert B. Dick III, George E. Johnson, Brooks McCormick, Morgan Murphy, William Wood Prince, Edward Byron Smith, A. Dean Swift, J. Harris Ward, and Joseph S. Wright.

1975: Norris Aldeen, Jean Allard, Thomas G. Ayers, John A. Barr, Gordon R. Corey, Albert B. Dick III, George E. Johnson, Brooks McCormick, Morgan Murphy, William Wood Prince, Edward Byron Smith, A. Dean Swift, and Joseph S. Wright.

1976: Norris Aldeen, Jean Allard, Thomas G. Ayers, John A. Barr, Gordon R. Corey, Albert B. Dick III, George E. Johnson, Brooks McCormick, William Wood Prince, Edward Byron Smith, A. Dean Swift, and Joseph S. Wright.

1977: Norris Aldeen, Jean Allard, Thomas G. Ayers, John A. Barr, Gordon R. Corey, Albert B. Dick III, George E. Johnson, Brooks McCormick, William Wood Prince, Edward Byron Smith, A. Dean Swift, and Joseph S. Wright.

2. Commonwealth Edison is further ordered to produce the Board of Directors meeting minutes during the period of 1974-1977 that **only and specifically** address or refer to activities of Cotter Corporation's operation of Latty Avenue, Coldwater Creek or other remediation sites referred to in Plaintiff's' [sic] Petition.

RESPONSE:

Without waiving its objections, ComEd responds that no meeting minutes of the Board of Directors during the period of 1974-1977 address or refer to such activities or sites.

3. Commonwealth Edison is ordered to produce all internal documents and or [sic] communications relating to George P. Rifakes'' [sic] participation in activities regarding Latty Avenue, Coldwater Creek and or clean up [sic] operations involving Mallinckrodt ,LLC [sic] and/or the other named Defendants.

RESPONSE:

Without waiving its objections, ComEd produces with this response documents and/or communications that are responsive to this order (Bates Nos. COMED00000014–COMED00000062).

Dated: December 9, 2021

Respectfully submitted,

/s/ Brian O. Watson

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CERTIFICATE OF SERVICE

I certify that on December 9, 2021, these papers were served upon all counsel via electronic means.

Respectfully submitted,

/s/ Brian O. Watson

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